AMENDMENTS TO THE CLAIMS

1. (Currently Amended) An optical disk recording method comprising:

storing in storing hardware of a disk recording system a reference datum indicative of a reference recording condition of a rewritable optical disk;

deriving a recording condition of old data recorded on select tracks of ~~a~~ said rewritable optical disk by reproducing the old ~~user~~ data or from a reproduced waveform;

deciding an overwriting recording condition to overwrite new data on the old data based on a comparison of the recording condition of the old data with the reference datum; and

overwriting the old data of the select tracks with the new data according to the decided overwriting recording condition.

2. (Previously Presented) The optical disk recording method according to claim 1, wherein the recording condition of the old data is derived upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk.

3. (Currently Amended) An optical disk recording method according to claim 1 wherein ~~comprising~~:

said reference datum represents a reference crosstalk amount and wherein said deciding step is performed by:

detecting a crosstalk amount from a reproduced signal of old data recorded on a given track of a rewritable optical disk and comparing said detected crosstalk amount with said reference datum. [;]

~~setting a recording condition for new data based on the detected crosstalk amount; and~~

~~overwriting the old data on the given track with the new data according to the recording condition.~~

4. (Previously Presented) The optical disk recording method according to claim 3, wherein the crosstalk amount is detected upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk.

5. (Original) The optical disk recording method according to claim 3, wherein the recording condition is set in response to a difference between the detected crosstalk amount and a reference crosstalk amount.

6. (Original) The optical disk recording method according to claim 5, wherein an optimum recording power is decided by applying a trial writing onto a trial writing area of the rewritable optical disk, and the reference crosstalk amount is detected based on a reproduced signal of data that are recorded at the optimum recording power.

7. (Currently Amended) An optical disk recording method according to claim 1, wherein ~~comprising~~:

said reference datum represents a reference peak-to-peak value and wherein said deciding step is performed by:

acquiring a peak-to-peak value of a reproduced signal of old data recorded on a given track of a rewritable optical disk and comparing said detected peak-to-peak value with said reference datum. [;]

~~setting a recording condition for new data based on the peak-to-peak value; and~~

~~overwriting the old data on the given track with new data according to the recording condition.~~

8. (Previously Presented) The optical disk recording method according to claim 7, wherein the peak-to-peak value is acquired upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk.

9. (Previously Presented) The optical disk recording method according to claim 7, wherein an optimum recording power is decided by applying a trial writing onto a trial writing area of the rewritable optical disk, and the recording condition is set in response to a difference between the peak-to-peak value of the reproduced signal of data recorded at the optimum recording power and the peak-to-peak value of the reproduced signal of the old data.

10. (Currently Amended) An optical disk recording method according to claim 1, further comprising:

applying a trial writing while changing a laser power irradiated onto a trial writing area of a rewritable optical disk by a predetermined amount;

deciding an optimum recording power based on a reproduced signal of trial-written data;

acquiring a first peak-to-peak value based on a peak value and a bottom value of a reproduced signal of data recorded at the optimum recording power;

acquiring a second peak-to-peak value based on a peak value and a bottom value of a reproduced signal of old data recorded on the rewritable optical disk; and

correcting an erasing power of a laser beam irradiated onto the rewritable optical disk in response to a difference between the first and second peak-to-peak values, and overwriting the new data by applying a corrected erasing power.

11. (Previously Presented) The optical disk recording method according to claim 10, wherein the trial writing is applied upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk.

12. (Currently Amended) An optical disk recording system comprising:

a reproducing unit which reproduces data recorded on a given track of a rewritable optical disk;

the reproducing unit including a storing portion that stores a reference datum indicative of a reference recording condition of a rewritable optical disk;

a crosstalk detecting unit which detects a crosstalk amount from a reproduced signal of the reproducing unit;

a recording-condition setting unit which sets a recording condition based on a comparison of the crosstalk amount detected by the crosstalk detecting unit with the reference datum; and

a recording unit which overwrites the data recorded on the given track with new data according to the recording condition set by the recording-condition setting unit.

13. (Currently Amended) An optical disk recording system comprising:

a reproducing unit which reproduces data recorded on a given track of a rewritable optical disk;

the reproducing unit including a storing portion that stores a reference datum indicative of a reference recording condition of a rewritable optical disk;

an envelope detecting unit which acquires a peak-to-peak value of a reproduced signal of the reproducing unit;

a recording-condition setting unit which sets a recording condition based on a comparison of the peak-to-peak value acquired by the envelope detecting unit with the reference datum; and a recording unit which overwrites the data recorded of a given track with new data according to the recording condition set by the recording- condition setting unit.

14. (Previously Presented) The optical disk recording method of claim 1 wherein said overwriting the new data step is performed using a first apparatus and wherein said old data is recorded on said optical disk by an apparatus that is different from said first apparatus.

15. (Currently Amended) An optical disk recording method comprising:

storing in a storing portion of a disk recording system a reference datum indicative of a reference recording condition of a rewritable optical disk;

deriving a recording condition of old data recorded on a given track of a rewritable optical disk by reproducing the old data and detecting a crosstalk amount from the reproduced old data;

deciding an overwriting recording condition to overwrite new data on the old data recorded under the recording condition of the old data based on a comparison of the detected crosstalk amount with the reference datum; and

overwriting the old data on the given track with the new data according to the decided overwriting recording condition.